

Oct. 15. 2003 9:30AM KCI Legal IP

No. 0932 P. 1

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**Eric W. Cernyar, P.C.****ATTORNEY AT LAW & REGISTERED PATENT ATTORNEY**

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**DATE:** October 15, 2003  
**TO:** Mail Stop Non-Fee Amendment  
**FROM:** Eric Cernyar, Reg. No. 45,919  
**RE:** 09/488,390  
**FAX #:** 703-872-9314

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No of pages (including this cover sheet): 14

Re: Applicant: David M. TumeY  
Serial No.: 09/488,390  
Filed: 1/19/2000  
Examiner: Vikkram Bali  
Art Unit: 2623  
Title: Animated Toy Utilizing Artificial Intelligence  
and Facial Image Recognition  
Our File No.: TUMEY.001

Enclosed please find:

1. Transmittal Form; and
2. Response to Office Action.

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October 15, 2003

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re:    Applicant:    David M. Tumey  
      Serial No.:    09/488,390  
      Filed:        1/19/2000  
      Title:        Animated Toy Utilizing Artificial Intelligence and Facial Image  
                     Recognition  
      Our File No.: TUMEY.001

Dear Sir or Madam:

Enclosed please find:

1.    Transmittal Form; and
2.    Response to Office Action.

Respectfully submitted,



Eric W. Cernyar  
Reg. No. 45,919  
Attorney for Applicant

PTG/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/488,390
	Filing Date	1/18/2000
	First Named Inventor	David M. Tumey
	Art Unit	2623
	Examiner Name	Vikram Bai
Total Number of Pages in This Submission	Attorney Docket Number	Tumey.001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric W. Cernyar, Reg. No. 45,919
Signature	<i>Eric W. Cernyar</i>
Date	October 15, 2003

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Eric W. Cernyar
Signature	<i>Eric W. Cernyar</i>
Date	October 15, 2003

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Oct. 15. 2003 9:31AM

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No. 0932 P. 4

2-1A  
10-26-03

Appl. No. : 09/488,390  
Applicants : David M. Tumey, Tianning Xu  
Filed : 01/19/2000  
Title : Animated Toy Utilizing Artificial Intelligence and Facial Image  
Recognition  
Assignee : Intelligent Verification Systems  
TC/A.U. : 2623  
Examiner : Vikkram Bali  
Docket No. : Tumey.001

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Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**RESPONSE TO JULY 16, 2003, OFFICE ACTION**

Sir:

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begin on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.